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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/117,219 | PALM ET AL. | |
| | Examiner | Art Unit | |
| | Wesner Sajous | 2676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/31/05.
2. ☒ The allowed claim(s) is/are 2-10.
3. ☒ The drawings filed on 13 January 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Remark

This communication is responsive to the amendment filed on October 31, 2005.

Claims 2-10 are presented for examination.

Allowable Subject Matter

1. Claims 2-10, after further reconsideration and search, are deemed to contain allowable subject matters, and are allowed over the prior art.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a method of controlling an image so as to position it either in front of or behind a neutral plane in a controllable fashion, by allowing a user to capture images, create wire frames and package them for presentation to a user in a rapid, efficient and cost effective manner.

The claimed invention identifies the distinct features-- a stereo viewer loaded in a memory, said stereo viewer including a graphical user interface including a viewing window in which wireframes can be viewed in relation to a neutral plane, with and without texture and a plurality of controls for manipulating a wireframe, a wireframe's texturing or a view of a wireframe in which said plurality of controls includes one or more controls for controlling positioning of the neutral plane of a stereo image with respect to a wireframe (as recited in claim 2); ... a view of a wireframe in which a plurality of

Art Unit: 2676

controls includes one or more controls for adjusting camera offset between points acting as cameras for providing left and right image views of a wireframe (as recited in claim 3); ...a view of a wireframe in which a plurality of controls includes one or more controls for selecting display of a wireframe either unrendered or rendered with one of a bit mapped texture from an image used to create the wireframe or a selected surface texture (as recited in claim 5).

The best prior art of record is the Palm (US 6326995), however the Palm reference is not appropriate for use in a rejection because, under 35 U.S.C. 103(c). The subject matter of the claimed invention, at the time the invention was made, was owned by the same person, namely Synthonics Inc. For the aforementioned reason, the limitations of claims 1-5 are allowed over the prior art.

Secondly, the Kacyra et al. reference (US Pat. 5988862), discloses a stereo viewer loaded in a memory , wherein the stereo viewer includes a graphical user interface including a viewing window in which wireframes can be viewed with and without texture and a plurality of controls for manipulating a wireframe, a wireframe's texturing or a view of a wireframe. See figs. 15-38, and col. 35, line 34 to col. 36, line 10. However, Kacyra does not qualify as prior art under 35 U.S.C. 103 (a) because Kacyra was filed after 2/8/1996 priority date claimed of the instant application.

Thirdly, the Osaka et al. Reference (US Pat. 6023277) teaches the functional equivalence for a stereo viewer loaded in a memory (i.e., 3D file image 50, see figs. 12-13), wherein the stereo viewer includes a graphical user interface including a viewing

window (33) in which wireframes (intrinsic to the object within window 33 or parallax or stripe images) can be viewed with and without texture (see fig. 13, and figs. 27-29) and a plurality of controls (34 a-d) for manipulating a wireframe, a wireframe's texturing or a view of a wireframe. See also figs. 30-35, and col. 16, line 4 to col. 18, line 17, and col. 26, line 30 through col. 31, line 21. however, like Kacyra, Osaka has a later filing date than the present application.

Fourthly, the references assigned to Goto (US Pat. 6084594) and Fantone (US Pat. 6026215) both teach a stereo viewer equivalence with a graphical user interface that includes a window in which wireframes can be viewed and a plurality of controls for manipulating a wireframe; however, like Kacyra and Osaka, Goto and Fantone do not qualify as prior art under 35 USC 103 (a) because they have a later filing date than the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 and 7:00 PM.

Art Unit: 2676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous

January 18, 2006

Matthew C. Bella

MATTHEW C. BELLA
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